

#4132
4-6-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yang *et al.*

Appl. No. 09/677,574

Filed: October 3, 2000

For: **High Fidelity Polymerases and
Uses Thereof**

Art Unit: 1652

Examiner: To be assigned

Atty. Docket: 0942.4500004/RWE/BJD

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Letter

Commissioner for Patents
Washington, D.C. 20231

Via Hand Carry to Art Unit 1652

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. 35 pages of Form PTO-1449 citing 173 documents;
3. A copy of each of the 173 cited documents; and
4. One return postcard.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: April 3, 2001

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Confirmation No.

Art Unit: 1652

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Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

In accordance with 37 C.F.R. § 1.98 (a)(3), Applicants' undersigned representative submits the following concise explanations of the relevance of the non-English language publications, Document Nos. AM1, AL5 and AR17, cited on the form PTO-1449:

Document AM1, German Patent Publication No. DE 3834636 A1, is in the German language. The relevance of this document may be ascertained by reference to the unverified abstract for this document in the English language, obtained from Derwent World Patents Index, which is included herewith as Document AS34. In addition, the English language counterpart of this document, U.S. Patent No. 5,766,847, is included herewith as Document AA4.

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Document AL5, WIPO Publication WO 96/27680, is in the German language. The relevance of this document may be ascertained by reference to the unverified abstract for this document in the English language, obtained from Derwent World Patents Index, which is included herewith as Document AT34.

Document AR17, A.S. Kaledin *et al.*, *Biokhimiya* 45:644-651 (1980), is in the Russian language. The relevance of this document may be ascertained by reference to the abstract for this reference in the English language, which appears on page 651 of the reference.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material

submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
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Date: April 3, 2001

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